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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA
AT ANCHORAGE

NORTHERN DYNASTY MINERALS
LTD. and PEBBLE LIMITED
PARTNERSHIP,

Plaintiffs,

v.

U.S. ENVIRONMENTAL PROTECTION
AGENCY,

Defendant.

CASE NO. 3:24-cv-00059-SLG

DECLARATION OF ANTHONY
GREGORIO IN SUPPORT OF
MOTION TO INTERVENE BY
BRISTOL BAY NATIVE
ASSOCIATION

I, Anthony Gregorio, declare as follows:

1. I am an enrolled Tribal member of the Native Village of Chignik Lagoon, located on the Pacific Ocean side of the Alaska Peninsula (56°18'27"N 158°32'6"W). I have also lived in the Bristol Bay region of Alaska for my entire life.

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2. I am a subsistence fisherman and a commercial fisherman. I have fished all of my life in the Bristol Bay region.
3. I am the Chairman of the Board of Directors of the Bristol Bay Native Association (BBNA).
4. Founded in 1973, BBNA is a non-profit consortium of thirty-one federally-recognized tribes of the Bristol Bay Region of Alaska: Aleknagik, Chignik Bay, Chignik Lagoon, Chignik Lake, Clarks Point, Curyung, Egegik, Ekuk, Ekwok, Igiugig, Iliamna, Ivanof Bay, Kanatak, King Salmon, Kokhanok, Koliganek, Levelock, Manokotak, Naknek, New Stuyahok, Newhalen, Nondalton, Pedro Bay, Perryville, Pilot Point, Port Heiden, Portage Creek, South Naknek, Togiak, Twin Hills, and Ugashik.
5. The mission of BBNA is to maintain and promote a strong regional organization supported by the Tribes of Bristol Bay to serve as a unified voice to provide social, economic, cultural, and educational opportunities and initiatives to benefit the Tribes and the Native people of Bristol Bay.
6. For decades the proposed Pebble mine has deeply troubled our member Tribes. Most members of our Tribes are either subsistence or commercial fishermen, or both. Every family's livelihood depends, directly or indirectly, on the health of the fisheries. Our Tribal members fear that the use of the Pebble site for dredged or fill material could mark the end of our fishing in the Bristol Bay region, after thousands of years.

7. In 2010, six federally recognized Tribes of BBNA —Nondalton Tribal Council, Koliganik Village Council, New Stuyahok Traditional Council, Ekwok Village Council, Curyung Tribal Council, and Levelock Village Council—petitioned the United States Environmental Protection Agency (EPA) to initiate the process under section 404(c) of the Clean Water Act to protect waters, wetlands, fish, wildlife, fisheries, subsistence, and public uses in the Kvichak and Nushagak watersheds from potential mining, including potential mining at the Pebble deposit.
8. BBNA member Tribes have engaged with the EPA on a government-to-government basis throughout the processes related to the 2013 Bristol Bay Watershed Assessment, the 2014 Proposed Determination, the 2019 withdraw of the Proposed Determination, and the 2023 Final Determination.
9. Our traditional ways of life, stretching back thousands of years, depend on the harvest of our fisheries, a renewable resource that has blessed us with its bounty. Development of the Pebble mine could mean the end of that harvest, and the end of our traditional way of life.
10. Our subsistence fisheries are much more than food to us: they have shaped our thinking, our conversation, our work, our seasons, our festivals, our art, our identities. Our fisheries connect us directly with our ancient past, our present, and our future stretching out before us, as hopeful and delightful as the next great run of salmon. All this joy, laughter and work is in our minds around the cutting tables

and the smokehouses of our family fish camps along the Bristol Bay creeks, rivers and streams. Even now I smile to remember it.

11. Our subsistence practices pass along to our youth all our traditional knowledge, our regard for work, our respect for nature, and our regard for our families.

Development of the Pebble mine, and its dredging and toxins, threatens all of that, can end all of that.

12. The interests of the BBNA and its members in this lawsuit are not adequately represented by the Federal Defendant. BBNA represents the interests of its tribes and tribal members, whereas the Federal Defendant, by contrast, includes the regulatory agencies and officials bound by statutory constraints and obligations. Thus, the interests of BBNA as a non-federal entity with a direct cultural and economic stake in this controversy, are very different from the interests of the federal regulatory agency.

13. Plaintiffs' lawsuit, if successful, will significantly impair the interests of the Bristol Bay Native Association. Plaintiffs' lawsuit targets the agency actions taken to protect the fisheries and resources of Bristol Bay. The relief requested in this lawsuit directly threatens BBNA members' interests in a vibrant and healthy Bristol Bay salmon fishery.

14. BBNA's participation in this litigation will aid the Court in understanding the issues of the case. BBNA's members and I have important knowledge about Bristol Bay's resources and the economic impacts of development activities such

as the Pebble Mine, and will make legal arguments that will aid in the Court's understanding and disposition of the issues in this case.

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 15 day of May, 2024 in Dillingham, Alaska.


Anthony Gregorio

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